

## **REMARKS**

### **CLAIM STATUS**

Claims 1, 2, 4, 7-9, and 13-17 are pending in this application. Claim 1 is the only independent claim. Claims 13-15 have been amended to now depend from claim 1 and to be consistent with the terms used in claim 1. Claim 17 has also been amended to be consistent with claim 1 from which it now indirectly depends. Claims 3, 5, 6, 10, 11, and 19-24, were previously canceled without prejudice or disclaimer and claims 12, 18, and 25-30 are presently canceled without prejudice or disclaimer.

### **SUMMARY OF OFFICE ACTION**

The outstanding Office Action is a non-final rejection that acknowledges the consideration of the reference cited by the IDS filed on June 16, 2009 and the references cited by the IDS filed on June 19, 2007.

In addition, the outstanding Office Action presents an objection to Claim 12, a rejection of claims 12, 14-16, 18, and 25 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku (U.S. Patent Application Publication No. 2002/0049728, hereinafter "Kaku") in view of Carlson (U.S. Patent No. 6,694,151, hereinafter Carlson), a rejection of claims 13 and 26-29 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku in view of Carlson and further in view of Auty (U.S. Patent No. 5,809,161), a rejection of claim 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku in view of Carlson and further in view of Moores, Jr. et al. (U.S. Patent Application Publication No. 2004/0201738, hereinafter "Moores"), and a rejection of claim 30 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku in view of Carlson and further in view of Auty and Moores.

### **OBJECTION TO CLAIM 12**

Item 3 on the bottom of page 2 of the outstanding Action presents the above-noted objection to claim 12. This objection is considered to be moot as claim 12 has been canceled as noted above.

**REJECTION OF CLAIMS 12, 14-16, 18, and 25 UNDER 35 U.S.C. §103**

Item 4 on page 2 of the outstanding Action presents the above-noted rejection of claims 12, 14-16, 18, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Kaku in view of Carlson.

This rejection is respectfully submitted to be moot as to claims 12, 18, and 25 in view of the cancellation of these claims.

In addition, as claims 14-16 have been amended to all depend directly or indirectly on allowed claim 1, it is further respectfully submitted that claims 14-16 patentably define over Kaku in view of Carlson for the same reasons that parent independent claim 1 does.

Consequently, the withdrawal of this rejection of claims 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Kaku in view of Carlson is respectfully requested.

**REJECTION OF CLAIMS 13 AND 26-29 UNDER 35 U.S.C. §103**

Item 5 on page 6 of the outstanding Action presents the above-noted rejection of claims 13 and 26-29 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku in view of Carlson in further view of Auty.

This rejection is respectfully submitted to be moot as to claims 26-29 in view of the cancellation of these claims.

In addition, as claim 13 has been amended to depend directly on allowed claim 1, it is respectfully submitted that claim 13 should be considered to be patentable for the same reasons that parent independent claim 1 is.

Consequently, withdrawal of this rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Kaku in view of Carlson in further view of Auty is respectfully requested.

**REJECTION OF CLAIM 17 UNDER 35 U.S.C. §103(a)**

Item 9 on page 11 of the outstanding Action presents the above-noted rejection of claim 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku in view of Carlson and further in view of Moores. This rejection is traversed.

As claim 17 now indirectly depends from allowed claim 1, it is respectfully submitted that claim 17 should be considered to be patentable for the same reasons that parent independent claim 1 is.

Consequently, withdrawal of this rejection of claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Kaku in view of Carlson in further view of Moores is respectfully requested.

**REJECTION OF CLAIM 30 UNDER 35 U.S.C. §103**

Item 7 on page 9 of the outstanding Action presents the above-noted rejection of claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Kaku in view of Carlson in further view of Auty and Moores.

This rejection is respectfully submitted to be moot in view of the above-noted cancellation of claim 30.

**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond F. Cardillo, Jr., Reg. No. 40,440 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: September 10, 2009

Respectfully submitted,

By

  
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